

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 PATRICK SMITH,

12 Plaintiff,

13 v.

14 CALPIA, *et al.*,

15 Defendants.
16

Case No. 2:24-cv-0117-KJM-JDP (P)

ORDER

17 On April 30, 2025, I recommended that plaintiff's second amended complaint be
18 dismissed without leave to amend for failure to state a claim. ECF No. 24. While those
19 recommendations were pending, plaintiff filed a motion for extension of time to file a third
20 amended complaint. ECF No. 25. Plaintiff argues that he will state a cognizable claim should the
21 court allow him another opportunity to amend. *Id.* at 2. In light of plaintiff's representation and
22 his pro se status, I will vacate the April 30, 2025 findings and recommendations and grant
23 plaintiff until June 13, 2025 to file a third amended complaint.
24
25
26
27
28

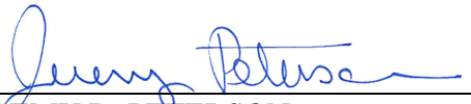
1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff's motion for an extension of time, ECF No. 25, is granted;
- 3 2. Plaintiff is granted until June 13, 2025 to file a third amended complaint.
- 4 3. The April 30, 2025 findings and recommendations, ECF No. 24, are vacated.

5 IT IS SO ORDERED.

6

7 Dated: May 21, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE